

City of Springfield
Work Session Meeting

MINUTES OF THE SPECIAL WORK SESSION MEETING
OF THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, JANUARY 5, 2004.

ATTENDANCE

Present were Councilors Anne Ballew, Tammy Fitch, Christine Lundberg, Tim Malloy, Dave Ralston, and John Woodrow. Also present were City Manager Mike Kelly, Assistant City Manager Cynthia Pappas, Fire Chief Dennis Murphy, Greg Mott, Amy Sowa, Colin Stephens, Mel Oberst, Linda Paulie, Gary McKenny, Nick Arnis, Bob Russell, City of Springfield staff.

The meeting came to order at 5:30 p.m.

Assistant City Manager Cynthia Pappas called the roll.

**1. Review Proposed RiverBend Master Plan and Zone Change Application
(PeaceHealth)**

Mr. Malloy recused himself from the first item because of a conflict of interest.

Mr. Stephens joined the commission for the item. He reminded the council of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) and Gateway Refinement Plan amendments in spring 2003. He reported that following completion of the plan amendments process, PeaceHealth had submitted its master plan application in summer 2003. The City's Development Review Committee, which was composed of staff from various City departments and divisions, had reviewed the master plan application in conjunction with representatives of partner agencies such as the Willamalane Parks and Recreation District and Lane Transit District (LTD). The review was very extensive; staff spent more than 8,000 hours working on the application, and the most experienced City staff was dedicated to the review.

Mr. Stephens recognized PeaceHealth and its staff and consultant representatives, who had also spent many hours preparing the application and responding to Springfield staff's questions.

Mr. Stephens said the application was reviewed on the basis of the criteria of approval for a zone change, contained in Article 12 of the Springfield Development Code and on the basis of the criteria of approval for a master plan, contained in Article 37. Mr. Stephens said that staff had concluded that, with the addition of conditions of approval, the application met the criteria of approval. The staff recommendation was forwarded to the Planning Commission for its review and recommendation; the council would hear the

commission's recommendation at its January 20 meeting. The commission had held a public hearing, several work sessions, and would likely confirm its draft recommendation on January 6. He said that the commission has added two additional conditions of approval that he would address later in the meeting.

Mr. Stephens said the applicant had registered opposition to a number of the staff-recommended conditions of approval. Staff continued to discuss several of those conditions with the applicant to see if they could be resolved to the interest of both parties. He hoped to have all issues resolved by January 9, 2004.

Mr. Stephens reported that the Land Use Board of Appeals (LUBA) had ruled on the appeals that had been made to the general and refinement plan amendments approved in 2003. City Manager Kelly said it would take staff some time to review the opinion and advise the council on how to proceed, but Assistant City Attorney Meg Kieran could provide a brief overview of the decision.

Ms. Kieran cautioned that she had not yet had time to fully review the decision. However, it appeared that LUBA had ruled in favor of the City in all but two areas. LUBA affirmed the assignment of error related to Goal 9, Economic Development, and required Springfield to complete an economic opportunities analysis of the application. In addition, LUBA affirmed the assignment of error related to Goal 12, Transportation. She had not yet had time to review that element of the decision, and would provide an update later in the meeting.

Mr. Stephens provided the council with a PowerPoint presentation on the PeaceHealth master plan application. He employed sheets from the applicant-submitted plan sets to described the various elements of the master plan application, including the hospital development; the transportation system, including the trail and multi-modal path system; and scenarios for the medium-density residential (MDR) housing. Councilors asked questions clarifying the details of the information presented.

Responding to a question from Mr. Ralston regarding the location of the MDR housing in the flood plain, Mr. Stephens confirmed that a great deal of it was in the flood plain, but that did not mean it could not be developed. Springfield's Development Code had standards for such development. PeaceHealth had developed it could meet the minimum density required.

At the request of Ms. Lundberg, Mr. Stephens reviewed the trip cap. He said the trip cap was 1,840 p.m. peak hour vehicle trips per day. He said that any development that occurred in the 99 acres of property rezoned from MDR was subject to the trip cap. He likened the trip cap to a check book; every time PeaceHealth built a building, it would deduct trips from the trip cap until one reached zero, and there was no more development potential. He confirmed that the Medical Services (MS) and Mixed-Use Commercial (MUC) zones were subject to the trip cap. Ms. Fitch asked about the potential of reducing trips through the use of alternative modes. Mr. Stephens said that if

PeaceHealth was to institute aggressive transportation demand management (TDM) policies, it would not have to subtract as many trips off the trip cap. Mr. Stephens reported that one of the Planning Commission's conditions of approval was to require a parking structure to be built prior to occupancy of the hospital.

Ms. Lundberg asked if the number of housing units would be same if the loop road was moved to the north. Mr. Stephens said that the square footage available for the purpose would be the same, and he characterized it as a 'wash.'

In response to a question from Mr. Woodrow, Mr. Stephens said that there was no required setback from the floodway, but one could not build into the floodway.

Mr. Ralston asked what would have to be done to build up the bank to ensure that it does not wash away, and who had jurisdiction over the subject. Mr. Stephens said that there was a built-up revetment in the area. There had been a breach in the revetment in 1996 that had been repaired. He reported that the City was relying on information provided by the Federal Emergency Management Agency (FEMA) when implementing Article 27 as it related to development in the flood plain.

Ms. Ballew asked if staff was comfortable there were no *Dolan* problems related to the application. Mr. Stephens said yes. For example, staff was requiring some street connections and believed it could make findings to justify their proportionality. Things that might have been more difficult to justify at the application stage had been addressed in the annexation agreement between Springfield and PeaceHealth.

Mr. Stephens discussed the application of Medical Services (MS) and Mixed-Use Commercial (MUC) zoning to the property as recommended by the Planning Commission. He reported that PeaceHealth had requested 33 acres of MUC zoning on the property, and the commission had asked that PeaceHealth to modify its application and instead request an additional ten acres of MS zoning rather than the MUC zoning in order to maintain the trip cap and preserve the opportunity for other MUC development in the vicinity. He reported that PeaceHealth was opposed to the recommendation, but the commission's recommendation was based on the fact that the proposed uses in question were allowed in an MS district with the application of the nodal development overlay. City Manager Kelly noted that the application of the nodal overlay would require council action, but in the end the uses allowed would be the same.

Ms. Ballew asked if underlying land use designation took precedence over the nodal designation. Mr. Stephens said yes. Ms. Ballew expressed concern that the City would be too late in applying the nodal development designation. Mr. Stephens said it would take about a year for the application of the overlay could take a year at the latest. The hospital would be finished in 2007.

Mr. Woodrow determined from Mr. Stephens that the Planning Commission's recommendation would mean there was approximately ten acres of MUC zoning remaining in the Gateway Refinement Plan MDR area.

Responding to a question from Ms. Fitch, Ms. Kieran said that the sequencing of the nodal development overlay had been an issue throughout the process. The nodal overlay was anticipated during the plan amendments process. Once the overlay was designated, any uses allowed by the MUC designation could be implemented on property zoned MS.

Responding to a question from Ms. Fitch regarding the relationship of the trip cap to the 66 acres designated MS, Ms. Kieran said that after reviewing the relevant documentation, including the transportation impact analysis (TIA), it was clear to her that the impacts of the development required the 1,840 trips. That trip cap was based on the same 99 acres that were the subject of the plan amendments. The trips follow those acres, as long as the uses were consistent with the TIA that had been completed. If the property stayed in MDR zoning, there would have to be a proportional reduction in trips. Ms. Fitch asked if adding to the MS acreage required Springfield to go through another process. Ms. Kieran said she would like to meet with PeaceHealth to discuss the issue. At this time, PeaceHealth still wanted the council to consider its request for 33 acres of MUC zoning. She believed the council had discretion to reduce the MUC acreage.

Mr. Stephens said the option to put MS zoning elsewhere on the MDR site, place a nodal overlay on it, and call it MUC was not an option. Medical services could only be located on property abutting an arterial street, and Martin Luther King Parkway was the only arterial street in the vicinity.

Ms. Ballew asked about the commission's rationale in reducing the amount of MUC. Mr. Stephens responded that the commission wished to retain some acreage to accommodate other development at the site. They did not want to add more MUC acreage to the area.

In response to a concern expressed by Ms. Lundberg regarding the cumulative impact of trips from additional MUC development in the area on top of the anticipated trips generated by PeaceHealth, Mr. Stephens explained that the only way any other property owner could obtain the MUC zoning was to submit a master plan and, since the trips for the 99 acres in question were already assigned to PeaceHealth, would also have to produce a TIA to determine if capacity still existed in the transportation system. Responding to a follow-up question from Mr. Woodrow, Mr. Stephens confirmed that the only way that the only way another party could secure additional MUC zoning beyond 33 acres in the area was to seek amendments to the Eugene-Springfield Metropolitan Area General Plan and Gateway Refinement Plan.

The council reviewed the conditions of approval.

Natural Resources

Ms. Ballew questioned requiring PeaceHealth to plant cottonwoods because their branches tended to fall. Mr. Stephens indicated that such trees would be planted only in the riparian area in the floodway. He believed that cottonwoods were indigenous to the area. Ms. Fitch suggested that staff check with Willamalane about its experiences with cottonwoods.

Responding to a question from Ms. Ballew regarding Condition 3, related to removal of riverside revetment and riparian restoration, Mr. Stephens said that the condition was not a requirement of the applicant but rather a clarification of the process, were it to occur.

Land Use

Ms. Ballew noted the alternative performance measures approved by the Land Conservation and Development Commission (LCDC) and questioned whether the hospital would skew the employment percentage targets. Mr. Stephens did not think the State would oppose Springfield exceeding the minimums established by the measure. In terms of the residential percentage, he noted that the nodal area took into consideration all properties inside one quarter-mile, including the MDR zoned land.

Ms. Ballew noted the code stipulation that conflicts between a nodal development overlay and a base zone was resolved in favor of the more restrictive provision, and determined from Mr. Stephens that was not a problem in this case because there was no conflict.

Responding to a concern expressed by Ms. Lundberg about bicycle and pedestrian connections, access, and safety, Mr. Stephens pointed out the location of the bicycle path on Game Farm Road and planned connections to other paths, and added that staff recommended as a condition of approval a future connection to the south would be made if the City deemed it necessary. He noted that the council would soon hear a presentation on Martin Luther King Parkway alignment issues, and that issue had some relationship to this issue. Mr. Stephens acknowledge Ms. Lundberg's concerns about safety and suggested the potential of a bicycle-pedestrian through the residential neighborhood in the master plan.

Ms. Fitch asked Mr. Stephens to discuss how construction of the parking structure could be triggered in the future if the council declined to accept the commission's recommendation that the structure be built before the hospital was occupied. Mr. Stephens indicated he would do some research into the topic. He noted that the hospital proposed to construct temporary parking on the MUC zoned land, and the City does not consider that to be development in MUC as the zone had a minimum floor ratio of .4, and no building was involved. Ms. Fitch asked what ratio existed in an MS zone. Mr. Stephens said that there was none. Ms. Fitch asked what impact the application of the nodal development overlay would have; would it over-ride the underlying zoning. Mr. Stephens said the more restrictive provision would rule. Mr. McKenny expressed concern that the nodal overlay would prohibit the construction of the parking lot as it was

intended to discourage auto-oriented uses. Mr. Stephens indicated he would research the issue.

Responding to a question from Mr. Ralston regarding the commission's recommendation that vehicle parking be provided to accommodate citizens who wished to access the McKenzie River (Condition 28) via the multi-use path, Mr. Stephens said the commission recommended that PeaceHealth provide visitor parking in the hospital parking lot to facilitate that access as there would be little public parking available due to a lack of local streets. Staff was still discussing the condition with PeaceHealth.

Mr. Woodrow asked if the MS zoning changed the tax structure on the commercial buildings because PeaceHealth is a nonprofit organization. Mr. Stephens was unsure, but did not think the zoning of the property had an affect on the valuation; rather, it was use. Mr. Ralston said that only the hospital itself was tax-exempt. City Manager Kelly likened the situation to the City's ownership of Booth-Kelly. The City does not pay property taxes except on that element of the property leased for business use. The hospital may be tax-exempt, but taxes must be paid on the portion of the property rented to for-profit organizations.

Transportation

Responding to a question from Mr. Ralston, Mr. Stephens clarified the trip cap applied to the 99 acres of MS and MUC. The MDR area has no trip cap associated with it because that impact was addressed in the base model.

Fire and Life Safety

Mr. Ralston asked if there was anything in the conditions that required PeaceHealth to help pay for emergency responses to the site. Mr. Girard said no. He added that, in the absence of an emergency, he did not believe the development would not be a problem for department, although in the case of an emergency it would require considerable staff to respond. Mr. Girard noted he had recommended several conditions, such as the provision of air supplies on every floor, etc. to save resources and reduce the needed effort. He had not recommended a condition calling for fire fighters. Ms. Ballew asked if the City's mutual aid agreements would be implemented in the case of an emergency. Mr. Girard said yes, but there were not enough fire fighters in Eugene and Springfield to meet the National Fire Protection Association requirements for an emergency response to the facility. The consultant who peer reviewed the City's recommendations indicated it would take 53 people to respond in the event of a large incident.

Ms. Ballew questioned if it actually took a full-time person to review the application. Mr. Girard acknowledged it did not, but said his office was responsible for plan review, all approvals for alternative methods and means, and approval of any change orders and must be intimate with the details of the plans. The Fire Marshal's Office was also responsible for onsite inspections of onsite fire systems. In addition, Springfield must

provide for emergency access and response to the development site throughout all the phases of construction, requiring additional internal coordination.

Sanitary Service

Responding to a question from Ms. Ballew about hazardous waste disposal, Mr. Girard confirmed that all hazardous materials have to be accounted for from reception to disposal.

Stormwater Management

Responding to a question from Ms. Lundberg regarding PeaceHealth's proposal for a new conveyance line, Mr. Vogeny said that PeaceHealth proposed to bring the pipe to Martin Luther King Parkway at Game Farm Road north, and the City previously planned and constructed a connection point at _____. The City recommended PeaceHealth use that connection. Ms. Lundberg asked if PeaceHealth owned all the property needed for easements. Mr. Vogeny said no. PeaceHealth would need to acquire off-site easements, and that was addressed in the annexation agreement. At this point, Springfield continued to have conversations with PeaceHealth about the location and nature of the system.

Mr. Vogeny confirmed, in response to a question from Ms. Ballew, that PeaceHealth would pretreat the stormwater runoff from the hospital property before it entered the public system. All the roof runoff would be into drywells for infiltration back into the ground. Each of the parking lots contained a bioswale to treat parking lot runoff before it entered the system.

Ms. Fitch asked if any dwellings would be affected by the offsite easements. Mr. Vogeny said that either an open or closed system could be built without negatively affecting any housing. Ms. Fitch asked why staff would want an open system. Mr. Vogeny responded that the benefits of an open system were greater capacity for higher flow events. Ms. Fitch asked who had responsibility for a system overflow that affected the dwellings. Mr. Vogeny said it would be an overflow of the public system and the responsibility of the City of Springfield.

Ms. Fitch determined from Mr. Vogeny that all utilities would be undergrounded. Ms. Ballew asked if underground utilities would be easier or more efficient to maintain. Mr. Vogeny deferred the question to the Springfield Utility Board.

Flood Protection

There were no questions in this category.

Geotechnical Engineering

There were no questions in this category.

Maintenance of Public Landscaping and Improvements

Mr. Woodrow asked for more information about the agreement discussed in Condition 85, which called for the City and applicant to enter into an agreement regarding the maintenance of landscaping. Mr. Stephens said that it would be an agreement obligating both parties to a certain level of performance. PeaceHealth indicated an interest in landscaping standards higher than that usually maintained by Springfield, and staff wanted to ensure that the standards could be maintained.

Ms. Fitch asked what party would maintain the multi-use paths. Mr. Vogeny said it depended on the path in question. He noted that Springfield was in discussion with PeaceHealth about the maintenance of the multi-use path along the river. Ms. Fitch asked if that would be negotiated with Willamalane Parks and Recreation District as well. Ms. Kieran said yes. Bob Kiefer of Willamalane indicated that at this point, the path was private, and the issue had never been discussed by the Willamalane board, but the board was open to discussion. Mr. Stephens said that the responsible parties would be identified as a result of the condition.

City Manager Kelly reported that the condition was one of about 30 conditions that were in dispute. Staff hoped to meet with PeaceHealth that week to reach resolution and would return to the council with those it was unable to resolve. He anticipated that the number of disputed conditions would be winnowed to less than ten. He said the council would evaluate the staff recommendations against the arguments made by PeaceHealth and reach its own conclusion.

Noise Assessment

Responding to a question from Ms. Lundberg, Mr. Vogeny said he did not know what “fly neighborly” program was, but would follow-up.

Ms. Kieran reported on the LUBA decision as it related to Goal 12, Transportation. She said LUBA remanded the decision on the basis of Goal 12 because in the transportation analysis and Goal 12 findings, Springfield staff concluded that at the end of the planning period (2018), the impact on transportation facilities from the development would not degrade the level of service (LOS). The petitioners argued that it was not sufficient to show compliance in 2018; Springfield must also demonstrate there was no temporary impact during the planning period. Ms. Kieran noted that there was a dissent to that portion of the LUBA decision, which was very unusual. She anticipated that the scope of the decision would impact every city in Oregon that had completed a transportation system plan.

Ms. Fitch questioned how Springfield could, in practice, comply with the LUBA decision. She thought it would be very difficult. Ms. Kieran agreed. City Manager

Kelly said that the City's annexation agreement included certain trigger points for contributions for certain facilities, and he interpreted the decision as meaning that all the transportation facilities needed must be built by the time of development occurred.

Responding to a question from Mr. Ralston about how Springfield could proceed with the application given the LUBA decision, Ms. Kieran said that Oregon law stipulated an unacknowledged plan amendment was still effective. That meant any decision a jurisdiction made based on that plan amendment must demonstrate goals compliance.

Ms. Fitch encouraged councilors to contact Mr. Stephens with their questions.

Mr. Stephens shared an animated, computerized fly-by of the proposed master plan with the council.

Mr. Malloy rejoined the council for the remainder of the agenda items.

2. Library District Formation

Library Director Bob Russell joined the council for the item. He provided some brief history on the subject, reminding the council of the advisory committee formed to look at the question of whether formation of a library district should be pursued. The committee made several recommendations to the council for long-range service and how those recommendations could be achieved, which included the potential of a library district. The council accepted the committee's report and, while it had not proceeded with the district concept, it incorporated many of its recommendations in a library levy that eventually failed. After that, the council again discussed how it wished to achieve its goals and appointed another advisory committee to determine if the recommendations were still valid and how they could be achieved. That committee recommended to the council that a library district was the only way to achieve stable funding.

Continuing, Mr. Russell said that the council had not committed to the concept but asked him to keep them informed. He had been working with the Lane Library League, which was formed to improve existing services and bring library services to areas now not served. The league had initially been interested in the creation of a single countywide service district, but that could not be done with Eugene because it would not be able to continue library operations at the same level. It was now considering the formation of several smaller districts, such as in Creswell/Cottage Grove. Springfield staff believed that the best way to go would be to follow the boundaries of the Springfield School District. He estimated that it would require a tax rate of \$.76/\$1,000 to meet the goals of the long-range plan. Mr. Russell reviewed what that would purchase.

Mr. Russell reported that formation of a special district would require an amendment to the Eugene-Springfield Metropolitan Area General Plan. He called the council's

attention to a possible time line for the formation of a new district, included in the meeting packet. Mr. Russell invited questions.

Mr. Woodrow asked how formation of a district would impact Springfield residents of the Gateway area who attend School District 4J schools. Mr. Russell said the boundaries could be drawn to include that area. Mr. Woodrow asked if formation of the district would cause compression. City Manager Kelly said that even if a district was created and the council decided to levy all the money that had been freed up, Springfield and other local general purpose governments would not be in compression, although they would be close.

City Manager Kelly recalled that the issue of a library district was to be discussed at the council goal setting session but the council ran out of time. He noted the fire district proposal was going to the boundary commission in February for approval, and suggested the council could revisit the library district concept after the boundary commission had acted on the formation of the fire district formation. He said that Springfield was looking for a foundation for better library services that spread the costs out over more patrons.

Mr. Woodrow asked if the City had done any surveys to gauge public support for a library district or single library levy. Mr. Russell said the Lane Library League did a survey regarding library districts, but he did not consider it adequate and believed another survey should be done. No survey had been done regarding a library levy.

Ms. Lundberg asked how the Springfield Library Foundation was doing currently. Mr. Russell said that it was work to establish the foundation, but there was progress being made. Rosemary Pryor was president, and several other people had joined the board. The foundation was currently focusing on how to fund the book budget.

Ms. Lundberg indicated support for the library but concern about compression. She was concerned about a potential proliferation of special districts. She wanted to see if there were other ways to deliver library services, which she considered a service of choice rather than one of necessity, such as a road. She questioned how the City could capitalize on those who were currently using the library or might be potential library users, and encouraged further discussion of that topic.

Mr. Ralston said he would support a 20 cent levy to improve the library. He did not generally favor special districts as he considered it a way for the City to merely secure more tax money. He would support a library district if it added 20 cents to the taxing authority and was tax-neutral for the City. He preferred to seek voter approval for a levy.

Responding to a question from Mr. Malloy, Mr. Russell estimated the current cost of library service at 46.7 cents per \$1,000. Mr. Malloy asked what number of people would be added to the taxing base if a district was formed. Mr. Russell estimated 18,000 people would be added. He confirmed that \$.76 per \$1,000 would still be needed. Mr. Russell added that comparing a district budget to the existing library budget was difficult for

several reasons, including the need to determine the tax collection rate and set it high enough to collect what was needed.

Mr. Malloy said he would be interested in knowing what the public thought. He indicated he had heard criticism of the council's decision to bundle the police/library levies.

Mr. Malloy said he supported the formation of the fire district, but he too was concerned about the proliferation of such districts and their cumulative effect, and asked for examples of communities that put all their services into special districts. He said that to do so could lead to a loss of control over how the community was taxed. He suggested the council consider a levy first.

Ms. Ballew said she was a strong library supporter and a frequent user. Her interest in special districts was the potential of providing better service at less cost. She said if the fire district succeeded, she questioned whether a library district would be needed. If the fire district proposal failed, she would be more inclined to look at a special library levy. Ms. Ballew questioned, however, what the point of having a City organization was if all services were delivered through special districts.

Ms. Fitch believed that library services were essentially to the City's livability. Ms. Ballew concurred with Ms. Fitch, adding that library services were an economic development tool as well. Ms. Fitch agreed. She said the fire district formation could free some revenue that the Budget Committee could reallocate to the library, for example. She said the timelines for either the levy or district approach gave the council time to consider the issue. She recommended the council "backburner" the issue pending resolution of the fire district formation proposal. There was general support.

3. Airport Special District Formation

City Manager Kelly reminded the council of the background of the issue, reporting that Eugene had solicited various jurisdictions for their interest in shared governance of the Eugene Airport through the formation of an airport district. He recommended the council provide the Eugene City Council with the courtesy of a response even if it could not pursue the issue at this time because of the resource constraints the City faced, and to indicate in the letter its strong interest in the topic and its willingness to discuss the issue in more detail with Eugene. Ms. Fitch concurred, adding that the issue went beyond Lane County and had a broader regional context. There was general concurrence.

Mr. Ralston thought Eugene's points were well-taken, particularly in terms of the capital investments it was required to make in the airport. Eugene was looking for partners, and he agreed that the context for the discussion was much broader than Lane County. He also agreed that Springfield was not prepared to take on any additional financial responsibility at this time.

Ms. Fitch did not think Eugene was looking for an immediate solution but was looking to open up discussions on the issue. She thought the issues involved required additional discussion.

City Manager Kelly indicated he would prepare a letter reflecting the council's discussion for the mayor's signature.

Ms. Fitch adjourned the meeting at 8:05 p.m.

(Recorded by Kimberly Young)

Sidney W. Leiken
Mayor

Attest:

Amy Sowa
City Recorder